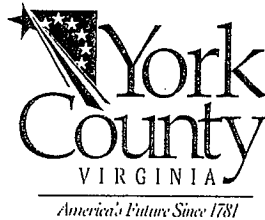


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August 5, 2009

Mr. & Mrs. Jack Sigler
330 Sadler Drive
Newport News, VA 23608

RE: York County CBPA Exception 09-187
Proposed Residence at 102 Clark Lane, Seaford Virginia.

Dear Mr. & Mrs. Sigler:

On July 24, 2009, you submitted an application to the Chesapeake Bay Board and the \$250.00 filing fee for a proposed residence at 102 Clark Lane. Also submitted were a site development plan and water quality calculations.

The County Ordinance provides for administrative encroachments into the RPA buffer down to fifty feet to build a principle structure **provided there is not adequate buildable area outside the RPA on Pre-Bay Act lots.** Because this lot does have adequate buildable area outside the RPA for a house; Staff cannot administratively approve an encroachment into the buffer. Therefore, this project will be passed to the Chesapeake Bay Board for review.

The next York County Chesapeake Bay Board public hearing is scheduled for 6:00 p.m. on Thursday, September 10, 2009. The hearing will be held in the East Room on the first floor of York Hall. York Hall is located at 301 Main Street, which is on the northeast corner of Main Street and Ballard Street in Yorktown's historical area.

Prior to forwarding this application to the Board, the following items concerning the application and site development plan must be satisfied:

- The house corners, driveway and the limits of the RPA must be staked in the field.

PLEASE NOTE THE FOLLOWING: Staff would administratively approve a plan for a house of equal or greater square footage outside of the buffer. The house, the detached garage and pool could all be moved further towards the rear of the property. The zoning setbacks for the accessory building are 5 feet on the rear and 5 feet from the side provided the accessory structure is at least 10 feet from the rear of the principal structure. There is

approximately 14,960 square feet of buildable area outside the RPA for a house and detached structures. This square footage includes consideration for the zoning setbacks.

Should the Board approve this exception request please be advised of the following:

- In the 100-foot RPA trees greater than 6-inches DBH (diameter at breast height) within 10-feet of the building footprint may be removed. All trees greater than 6 inches DBH to be removed for construction must be flagged in the field and shown on the site development plan.
- In the 100-foot RPA trees greater than 6 inches DBH (diameter at breast height) within the footprint of the driveway may be removed. All trees greater than 6-inches DBH to be removed for the driveway construction within the RPA must be flagged in the field and shown on the site development plan.
- A buffer restoration plan replacing all the removed vegetation in the buffer will be required. Enclosed is the Buffer Requirements which addresses tree replacement standards.
- Please note Staff has removed the impervious area and the land area for the private road from the calculations. The lot area to be used for the impervious calculations should be 37,568 sq. ft. (38,628 sq. ft.- private road area of 1,060 sq. ft)
- Question 14 on the application will need to be corrected. It states 3,507 square feet of impervious area will be added in the RPA; whereas according to Staff's calculations, the amount of impervious area proposed in the RPA is 1,693 sq. ft.
- BMPS will need to be added to the plan as outlined below:
 1. Mitigation will be required for all new / proposed impervious cover in the RPA and for the total amount of impervious cover on the lot over the allowed 16%. There is 1,693 sq. ft. of new / proposed impervious cover in the RPA (house and driveway) and the total impervious cover on the lot is 7,539 sq. ft. The allowed amount is 6011 sq. ft. Therefore, total mitigation required would be 3,221 sq. ft. Twenty five percent of the mitigation must be in plantings in the buffer and 75 percent can be mitigated using an infiltration trench.
 2. The infiltration trench for 2,416 sq. ft. (75% of the total mitigation) would require a 242 cubic foot trench - 3' wide X 3' deep X 27' long with 2 yard drains. The trench must be located outside the RPA.
 3. Buffer restoration would be required for 25% of the total mitigation – 805 sq. ft. This would require planting 1 of the following options in the RPA buffer – 26 trees OR 43

Mr. & Mrs. Jack Sigler

August 5, 2009

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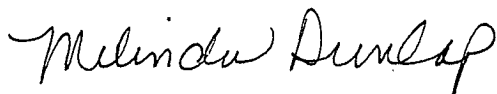
shrubs OR a mix of 9 trees and 25 shrubs. The trees must be 3 gallon and the shrubs 1 gallon.

4. A BMP maintenance Agreement must be executed and recorded to insure the future efficiency of the mitigation measures.
 - Construction fence and silt fence will need to be added to the plan. Please note only 10-feet of construction access is allowed within the RPA.
 - The width of the driveway in the RPA must be reduced to -10-feet
 - Two Environmentally Sensitive Signs must be posted at the 100 foot RPA and shown on the plan; one must be located off the right rear corner of the house and one along side the driveway.

Please have the house corners staked, the portion of the driveway that encroaches within the RPA staked and the RPA limits staked by August 30, 2009. A site visit by the Chesapeake Bay Board is tentatively scheduled for the afternoon Wednesday, September 2, 2009. You will be mailed a Site Inspection Schedule with the time of the Board visit on August 20, 2009.

If you have any questions, please contact me at 890-3777 as soon as possible.

Sincerely,



Melinda Dunlap
Environmental Technician

Copy to: Anna Drake, Environmental Programs Manager
Kent Henkel, Environmental Technician
Donald Davis, Davis and Associates
Nancy Miller, Chesapeake Bay Local Assistance Department
Chesapeake Bay Board and File